

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONALD C. WILLIAMS,

Plaintiff

v.

WILLIAM HUTCHINGS, *et al.*,

Defendants

Case No. 2:21-cv-00123-KJD-DJA

**ORDER**

**I. DISCUSSION**

On January 19, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983, an application to proceed *in forma pauperis*, and an application to appeal *in forma pauperis*. (ECF Nos. 1-2, 1, 1-1, ). Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is incomplete. Plaintiff has not submitted his application to proceed in forma pauperis on this Court's approved form and has not provided a financial certificate or an inmate account statement for the previous six-month period.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

1 (3) a copy of the inmate's prison or jail trust fund account statement for the  
2 previous six-month period.

3 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*  
4 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
5 Plaintiff a one-time extension to file a fully complete application to proceed *in forma*  
6 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
7 application to proceed *in forma pauperis* on or before **March 26, 2021**. Absent unusual  
8 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not  
9 file a fully complete application to proceed *in forma pauperis* with all three required  
10 documents on or before **March 26, 2021**, this case will be subject to dismissal without  
11 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all  
12 three of the documents needed to file a fully complete application to proceed *in forma*  
13 *pauperis* or pays the full \$402 filing fee.

14 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
15 case with the Court, under a new case number, when Plaintiff has all three documents  
16 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
17 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
18 full filing fee of \$402 on or before **March 26, 2021** to proceed with this case.

19 With respect to Plaintiff's application to appeal *in forma pauperis* at ECF No. 1-1,  
20 it is unclear to the Court whether Plaintiff is attempting to file an appeal, whether he is  
21 seeking *in forma pauperis status* from the court of appeals, or whether he is submitting  
22 this form as part of his *in forma pauperis* application to the Court. If Plaintiff is seeking *in*  
23 *forma pauperis* status in this Court, he must use the approved form.

1 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-2), but the Court  
2 will not file the complaint unless and until Plaintiff timely files a fully complete application  
3 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.  
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5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
7 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
8 application to proceed *in forma pauperis* with all three documents.

9 IT IS FURTHER ORDERED that Plaintiff's application to appeal *in forma pauperis*  
10 (ECF No. 1-1) is denied without prejudice.  
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12 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
13 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
14 document entitled information and instructions for filing an *in forma pauperis* application.  
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16 IT IS FURTHER ORDERED that on or before **March 26, 2021**, Plaintiff will either  
17 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
18 administrative fee) or file with the Court:

19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
20 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
21 signatures on page 3),  
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23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
24 official (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
26 **previous six-month period.**

27 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
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1 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
2 filing fee for a civil action on or before **March 26, 2021**, this case will be subject to  
3 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
4 number, when Plaintiff has all three documents needed to file a complete application to  
5 proceed *in forma pauperis* or pays the the full \$402 filing fee.  
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7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
8 (ECF No.1-2) but will not file it at this time.

9 DATED: January 25, 2021

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12 UNITED STATES MAGISTRATE JUDGE  
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